

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LINDSAY O'BRIEN QUARRIE,

Plaintiff,

v.

The BOARD of REGENTS of the
NEW MEXICO INSTITUTE of
MINING and TECHNOLOGY in their
official capacities, STEPHEN WELLS in
his individual and official capacities,
DANIEL LOPEZ in his individual and
official capacities, ALY EL-OSERY in
his individual and official capacities,
and ALISA WIGLEY-DELARA in
her individual and official capacities,

No. 1:23-cv-00546-MV-JFR

Defendants.

**PLAINTIFFS REPLY TO DEFENDANTS THE BOARD OF REGENTS OF THE NEW
MEXICO INSTITUTE OF MINING AND TECHNOLOGY, STEPHEN WELLS,
DANIEL LOPEZ, AND ALY EL-OSERY'S NOTICE OF NON-RESPONSE TO MOTION
FOR ORDER FOR JUDICIAL NOTICE**

COMES NOW Plaintiff Lindsay O'Brien Quarrie, *pro se*, and for his Reply to
Defendants The Board of Regents of The New Mexico Institute of Mining and Technology,
Stephen Wells, Daniel Lopez, and Aly El-Osery's Notice OF Non-Response states the following.

I. ARGUMENTS AND LEGAL AUTHORITIES

This Court denied Defendant's Motion to Stay Proceedings by Order (Doc.51). This court
did not grant Defendant's Motion to stay Proceedings. The court unambiguously on August 16,
2023, entered an Order Finding Good Cause to Delay Scheduling Order (Doc.27) because
Defendants filed dispositive motions. As Defendants well know, an Order Finding Good Cause
to Delay Scheduling Order does not affect the present motion and Defendants have themselves

filed multiple briefs since the Order Finding Good Cause to Delay Scheduling Order on August 16, 2023. Defendants have tried to conflate the Order Finding Good Cause to Delay Scheduling Order (Doc.27) with denied Stay of Proceedings (Doc. 51) for improper purpose.

It is important to note that the court has discretion to decide whether to allow any filings after an order finding good cause to delay the scheduling order. The court will consider the specific reasons for the delay, the potential impact on the other parties, and the interests of justice.

Federal courts are generally willing to allow filings that are necessary to protect the parties' rights or to promote the fair administration of justice, even after the court has found good cause to delay the scheduling order for scheduling purposes which must not be conflated with the denied Stay of Proceedings requested by Defendants for improper purpose.

Defendants are fully aware of this. Defendant Wigley Delara did not file a response at all to the motion.

II. CONCLUSION

WHEREFORE, in addition to Defendants Notice of Non-Response (Doc.52) and the foregoing reasons, the Court should Grant Plaintiff's Motion for Order Motion for JUDICIAL NOTICE (Doc. 50)

Respectfully submitted,

/s/ Lindsay O'Brien Quarrie
LINDSAY O'BRIEN QUARRIE
PLAINTIFF PRO SE
609 Neel Street
Socorro, NM 87801
(858) 334-9997
lindsay.o.quarrie@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 7, 2023, I filed the foregoing using the CM/ECF system, which caused all counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Lindsay O'Brien Quarrie
LINDSAY O'BRIEN QUARRIE
PLAINTIFF PRO SE